

1 MARK D. FOWLER (Bar No. 124235)  
2 mark.fowler@dlapiper.com  
3 CLAYTON THOMPSON (Admitted Pro Hac Vice)  
4 clayton.thompson@dlapiper.com  
5 DAVID ALBERTI (Bar. No. 220625)  
6 david.alberti@dlapiper.com  
7 CHRISTINE K. CORBETT (Bar No. 209128)  
8 christine.corbett@dlapiper.com  
9 YAKOV M. ZOLOTOREV (Bar No. 224260)  
10 yakov.zolotorev@dlapiper.com  
11 CARRIE L. WILLIAMSON (Bar No. 230873)  
12 carrie.williamson@dlapiper.com

13 DLA PIPER LLP (US)  
14 2000 University Avenue  
15 East Palo Alto, CA 94303-2215  
16 Tel: 650.833.2000  
17 Fax: 650.833.2001

18 Attorneys for Defendant and Counterplaintiff  
19 Sun Microsystems, Inc.

20

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 NETWORK APPLIANCE, INC.,

25 CASE NO. C-07-6053 EDL

26 Plaintiff-Counterdefendant,

27 **STIPULATED DISMISSAL WITHOUT  
28 PREJUDICE AND [PROPOSED] ORDER**

v.

SUN MICROSYSTEMS, INC.,

Defendant-Counterplaintiff.

29  
30 Plaintiff-Counterdefendant NetApp, Inc. and Defendant-Counterplaintiff Oracle America,  
31 Inc. (formerly Sun Microsystems, Inc.), by and through their attorneys, hereby stipulate and agree  
32 that this action is hereby **DISMISSED WITHOUT PREJUDICE** in its entirety, each party to  
33 bear its own fees and costs.  
34

1 Dated: September 8, 2010.

WEIL, GOTSHAL & MANGES LLP

2  
3 By /s/ Edward R. Reines

4 MATTHEW D. POWERS

5 EDWARD R. REINES

JEFFREY G. HOMRIG

JILL J. HO

6 Attorneys for Plaintiff and Counter-defendant  
7 NETAPP, INC.

8 Dated: September 8, 2010

9 DLA PIPER LLP (US)

10 By /s/ Mark D. Fowler

11 MARK D. FOWLER

12 CLAYTON THOMPSON

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YAKOV M. ZOLOTOREV

CARRIE L. WILLIAMSON

15 Attorneys for Defendant and Counterplaintiff  
16 ORACLE AMERICA, INC.

17  
18 **ORDER**

19 IT IS HEREBY ORDERED THAT this action is dismissed without prejudice in its  
20 entirety and that each party will bear its own fees and costs.

21 DATED: September \_\_\_\_\_, 2010

22  
23  
24 HONORABLE ELIZABETH D. LAPORTE  
25 United States Magistrate Judge